



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, September 9, 2020

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Cheryl Richardson, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20200759 Georgia Highlands College

Presentation of a Proclamation by Council Member Cheryl Richardson to Georgia Highlands College to celebrate its legacy as an exceptional institution.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

20200751 Scheduled Appearance

Scheduled Appearance - Larry Wills

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20200721** **Regular Meeting - August 12, 2020**

Review and approval of the August 12, 2020 regular meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20200639 **Z2020-27 [REZONING] HR ACQUISITION I CORPORATION (EVOQ MARIETTA LLC)**

Z2020-27 [REZONING] HR ACQUISITION I CORPORATION (EVOQ MARIETTA LLC) is requesting the rezoning of 7.18 acres located in Land Lot 1014, District 16, Parcels 1310, 1090, 1120, 1060 & 1070 of the 2nd Section, Cobb County, Georgia, and being known as 833 & 900 Campbell Hill Street, 100, 120, & 150 Florence Street from OI (Office Institutional) and RHR (Residential High Rise) to OI (Office Institutional). Wards 4B & 5B.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval as stipulated. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 31, 2020.

Public Hearing (all parties sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:**

MAYOR'S REPORT:**COMMITTEE REPORTS:****1. Economic/Community Development: Johnny Walker, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson***** 20200725 Cares Act Funding**

Motion to approve an amendment to the Fiscal Year 2021 budget to receive and appropriate grant funds awarded to the City of Marietta from Cobb County as part of the Sharing and Use of Coronavirus Aid, Relief, and Economic Security (CARES) Act.

*** 20200728 21st Century Community Learning Centers Grant**

Motion to approve the 21st Century Community Learning Centers Grant Award for the YELLS program and the accompanying FY2021 Budget Amendment.

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson**20200708 Detailed Plan - Campus Realty Advisors**

Motion to approve the detailed plan, including the attached site plan, tree plan, and building elevations, for 315 Freys Gin Rd and 1222, 1230, 1238, & 1246 Banberry Road, with the following stipulation:

An exemption plat shall be submitted for approval in lieu of a final plat.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson*** 20200729 History Museum Event Rental Fees**

Motion to approve the Event Rental Fees for the City of Marietta History Museum.

* **20200692 Welcome Center Contract Amendment**

Motion to approve an Amendment to the Welcome Center Contract regarding rent of the Depot building.

Council Member Goldstein discloses that The Earl Smith Strand Theatre rents space owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Ashleigh Whitworth and Morgan Stoner and owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip Goldstein is the father of Councilmember Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that the Atlanta Lyric Theatre rents space owned by Philip M. Goldstein. Philip Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on this item in his official capacity as a city council member.

Council Member Goldstein discloses that he is on the board of the Marietta Welcome Center representing the City of Marietta.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

Council Member Goldstein discloses that Elise Goldstein is a member of the Georgia Symphony Orchestra Chorus and is a member of one of the committees of the Georgia Symphony Orchestra. Elise Goldstein is the mother of Council Member Goldstein.

Council member Goldstein abstaining

5. Personnel/Insurance: Cheryl Richardson, Chairperson

* **20200689 2021 Employee Group Benefits Program Administration**

Motion approving the renewal of group health and dental plan administration and stop-loss coverage with Anthem Blue Cross and Blue Shield, renewal of the retiree Medicare Advantage plan with Anthem Blue Cross and Blue Shield, enrollment in the pharmacy benefit management services with Express Scripts, and the renewal of the administrative services agreements with all employee-funded ancillary providers for calendar year 2021.

* **20200690 2021 Flexible Benefit Plan**

Motion approving the 2021 Flexible Benefit Plan, Summary Plan Description, and the increase of the maximum allowable health contribution from \$2,700 to \$2,750 with Total Administrative Services Corporation (TASC).

6. Public Safety Committee: Reggie Copeland, Chairperson

* **20200723 2020 Assistance to Firefighters Grant Program-COVID-19 Supplemental**

Motion to approve an Ordinance amending the Fiscal Year 2021 Grant Fund for the City of Marietta Fire Department to accept an award from FEMA's Assistance to Firefighters Grant program for \$22,586.03 to assist with Covid-19 related expenses.

7. Public Works Committee: Grif Chalfant, Chairperson

* **20200696 M2R Trail Agreement with State Properties Commission**

Motion authorizing the execution of the permanent Easement Agreement with the State Properties Commission for the M2R Trail.

* **20200697 Rottenwood Trail Phase 1 Right-of-Way Agreement**

Motion authorizing the execution of the Right of Way Agreement for Rottenwood Trail Phase 1 Project PI#0015042 with the Georgia Department of Transportation.

* **20200699 Tom Read Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of the Tom Read Drive area to determine if traffic calming devices are needed.

* **20200700 Cleburne Avenue Speed Study Results**

Motion authorizing Public Works to proceed with the installation of stop signs at the intersection of McCord Street and Cleburne Avenue.

* **20200702 Carriage Oaks Neighborhood Traffic Calming**

Motion authorizing Public Works to install speed tables in the Carriage Oaks Neighborhood.

* **20200703 Lawrence Street Traffic Calming**

Motion authorizing Public Works to proceed with the traffic calming options, including lowering the speed limit on Washington Avenue to 25 MPH, as selected by Council.

OTHER BUSINESS:

* **20200638 V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC**

V2020-31 [VARIANCE] BHULLAR HOLDINGS, LLC is requesting variances for property located in Land Lot 1134, District 16, Parcel 0100, 2nd Section of Cobb County, Marietta, Georgia and being known as 1860 (aka 1850) Roswell Road. Ward 7A.

Variance to increase the allowable impervious surface from 80% to 95%;

Variance to allow planter islands in lieu of the 10 foot planted border area along Roswell Road as shown on site plan dated 6/9/20;

Variance to waive the 10 foot planted border area along the South Marietta Parkway frontage as shown on site plan dated 6/9/20;

Variance to reduce the landscape buffer as shown on site plan dated 6/9/20;

Variance to allow a detention pond within a buffer;

Variance to reduce the rear yard setback from 35' to 11' for the existing building;

Variance to reduce the setback from 2' to 0' and allow a 6' tall chain link fence along the Roswell Road frontage.

Tabled to the next City Council Meeting on October 14, 2020.

20200760**Bouldercrest Drive Sidewalk Enhancements
Project Parcel 5 - Raymond C. Buday and Rebecca W. Buday - 535 Bouldercrest Drive**

Motion authorizing acquisition of the easements at 535 Bouldercrest Drive from Raymond C. Buday and Rebecca W. Buday for the purpose of constructing the Bouldercrest Drive Sidewalk Enhancements project in exchange for \$1,979.00 and stipulations as listed below.

1. City shall bear all costs of the authorized removal of any trees.
2. City shall not remove trees having a diameter at the base of greater than twelve (12) inches.
3. In the event any tree located within or close proximity to the construction easement dies within two (2) years following completion of construction, City will pay for removal of that said dead tree.
4. City will bear all costs associated with relocation, restoration or damage repair of the property sprinkler system resulting from the sidewalk construction. Such work shall be done by a private entity with substantial experience in sprinkler system installation and maintenance.
5. City will bear all costs associated with relocation, restoration or damage repair of all power, gas, water, electric, and cable lines, controls, and structures resulting from the sidewalk construction.
6. The aprons at the junction of the sidewalks and the existing driveway shall intrude into the existing driveways only such distance as is necessary to permit smooth ingress and egress.

20200752**2020 General Election Ballot-Marietta Sunday Alcohol**

Marietta Sunday Alcohol--By the Drink, By the Package Sales

Shall the Governing Authority of the City of Marietta, Georgia be authorized to permit and regulate Sunday Sales of malt beverages, wine, and distilled spirits by the drink from 11:00 AM to 12:00 Midnight and by the package from 11:00 AM to 12:00 Midnight?

Requested by Mayor Tumlin

20200724 City Council Terms of Office & Organization Meeting

To consider cycles of ½ City Council every two years for four-year terms. Councilpersons 2, 3, and 4 and Mayor to be elected for a two-year term in 2021 and then in November 2023 for four-year terms thereafter. No change for 1,5,6, and 7. Amendment for City Code Sections 2.4 (Election; terms of office) and 2.8 (Organization meeting; official oath).

Requested by Mayor Tumlin

20200753 2020 General Election Ballot-Marietta Special Election-Terms of Council

Marietta Special Election--Non-Binding Referendum --Alternate Terms of Council--Biennial Election of 4 Members each to serve term of 4 years--2021 Election, 4 Members elected for 2 years, and 4 years thereafter commencing 2023, other 4 Members for 4 Years in 2021 and thereafter.

Should the Mayor and City Council for the City of Marietta amend the Charter for the City of Marietta to set forth for the members of the elected body of the offices of the Mayor and City Council for the City of Marietta so that a designated Four of the Council Body be elected for term of four years every two years commencing with the November, 2021 election to which four of the members of the elected body of the offices of the Council be elected for Four Year terms and thereafter and four of the members of the elected body of the Marietta Council be elected for two years and then every four years thereafter. Said Charter shall be further amended for ancillary changes necessary to accommodate this biennial election amendment, specifically for Sections 2.4 and 2.8 of City Charter.

Requested by Mayor Tumlin

*** 20200722 BLW Actions of September 2, 2020**

Review and approval of the September 2, 2020, actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: